



August 3, 2023

The Honorable Kathy Hochul
Governor of New York State
New York State Capitol Building
Albany, NY 12224

Commissioner Basil Seggos
New York DEC Commissioner
625 Broadway
Albany, NY 12233

Dear Governor Hochul and Commissioner Seggos:

As representatives across the state and throughout New York City who are deeply concerned about the growing flooding and storm surge threats posed by climate change, we are respectfully requesting that the State of New York hold the United States Army Corps of Engineers accountable to implementing Section 8106 of the 2022 Water Resources Development Act ("WRDA") and ask that the United States Army Corps of Engineers reanalyze the New York-New Jersey Harbor and Tributaries ("NYNJHATS") Coastal Storm Risk Management Feasibility Study through the development of a Supplemental EIS. While we appreciate the resources the Army Corps has allocated to address storm surge risk in our region, we see major flaws in the Army Corps' Tentatively Selected Plan (TSP) that warrant reevaluation. As one of two federal cost-share partners for the projects, New York has a responsibility to call for a Supplemental EIS to reevaluate the plan and incorporate multiple flood hazard protections, as directed by Section 8160 of WRDA 2022.

NYNJHATS only evaluates flood risk from storm surge, largely ignoring rain-induced flooding, high-frequency tidal flooding, groundwater inundation and combined sewer overflows ("CSO"). The Army Corps' myopic focus on flooding from storm surges has unreasonably skewed the analysis in favor of constructing 12 large in-water storm surge barriers. If we invest in the TSP plan currently under consideration, storms such as Hurricane Ida, which caused flooding that resulted in the deaths of 13 people in NYC, will not be sufficiently addressed. The Army Corps should instead develop a more holistic plan that addresses all forms of flood risk, and mitigation strategies should reflect that holistic approach.

The plan should also integrate the best available and most accurate science for local sea level rise projections. The Army Corps' TSP is based on sea level projections that are several feet lower than those currently estimated by the New York City Panel on Climate Change. In order to create the most effective flood mitigation plan for New York City and State, the most accurate scientific studies on sea level rise should be used.

The Corps must conduct a Supplemental EIS to reevaluate the use of Natural and nature-based features (“NNBF”) at the center of the plan, as the preferred technology wherever practicable, not as an add-on. The Army Corps’ proposed plan does not identify feasible community specific locations for NNBF solutions. While NNBFs will not fully protect against 100-year flood events, they can be effective in reducing the height of surges and limiting the need for hardened infrastructure solutions such as storm barriers. A Supplemental EIS should evaluate NNBF solutions early in the planning process in order to ensure that these solutions are given the appropriate consideration.

The Corps’ alternatives analysis should include the environmental and societal impacts that storm surge barriers can cause. Storm barriers could lead to tidal changes such as stronger currents, salt intrusion, and other detrimental effects to the coastal environment and communities in the study area. Importantly, the TSP has also ignored the potential impacts of CSO pollution in local waterways. Tidal changes would cause pollutants to linger, and the Corps’ only proposed solution is an inequitable distribution of proposed pump stations. Even after construction, waterways will continue to receive significant volumes of toxic pollutants from NYC’s CSOs. While the Corps is not responsible for removing the contamination, a Tier 1 EIS must determine the likely environmental impacts to the waterways where construction will occur. It is critical the Corps evaluate these environmental impacts, among others, and determine more accurately how its plan could affect the environment, along with potential solutions, through the development of a Supplemental EIS.

Finally, a flood mitigation plan should be based on a more holistic benefit-cost analysis. The current benefit-cost analysis used by the Corps focuses almost entirely on property and infrastructure values. A 2021 federal directive instructs the Corps to adopt a more broad benefit-cost analysis. This new method would require the Corps to evaluate plans on how they would affect communities economically, environmentally, and socially. Any alternative selection for NYNJHATS must include this holistic benefit-cost analysis.

The State of New York must hold the Army Corps accountable to implement section 8106 of WRDA 2022 which allows the State to request a holistic flood risk analysis that would address some of the current plan’s deficiencies. This would provide an opportunity for the Supplemental EIS to appropriately account for all sources of flooding, possible environmental risks, and potential NNBF alternatives, while using the most up to date science and benefit-cost analysis.

As we consider the proposed once-in-a-generation investment of \$52 billion to protect the New York City metropolitan area, we must be certain we are getting the benefits we expect and need. We therefore respectfully request that New York State call on the Army Corps to develop a Supplemental EIS that incorporates Section 8106 of WRDA 2022 to develop a better plan for our region.

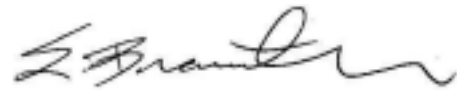
Respectfully,

John C. Liu
Senator, 16th District



Emily Gallagher
Assembly Member, 50th District

Iwen Chu
Senator, 17th District



Ed Braunstein
Assembly Member, 26th District

Cordell Cleare
Senator, 30th District



Robert Carroll
Assembly Member, 44th District

Senator, 14th District



Leroy Comrie
Harvey Epstein
Assembly Member, 74th District

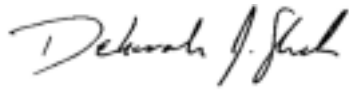
Senator, 59th District



Kristen Gonzalez
Edward Gibbs
Assembly Member, 68th District



Senator, 26th District



Andrew Gounardes
Deborah J. Glick

Assembly Member, 66th District




Pete Harckham

Senator, 40th District

Jessica Gonzalez-Rojas

Assembly Member, 34th District



Michelle Hinchey

Senator, 41st District



Ron Kim

Assembly Member, 40th District

Brad Hoylman-Sigal

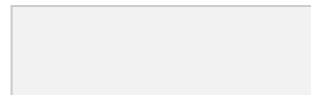
Senator, 47th District

Grace Lee

Assembly Member, 65th District

Brian Kavanagh

Senator, 27th District



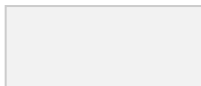
Dana Levenberg

Assembly Member, 95th District



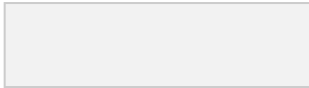
Liz Krueger

Senator, 28th District

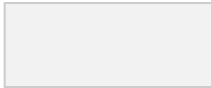


Zohran Mamdani

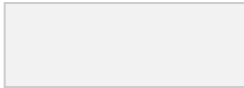
Assembly Member, 36th District



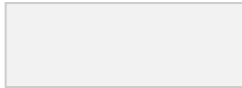
Shelley B. Mayer
Senator, 37th District



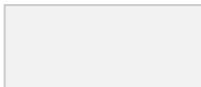
Karines Reyes
Assembly Member, 87th District



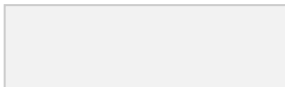
Roxanne J. Persaud
Senator, 19th District



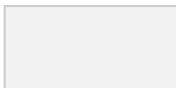
Linda Rosenthal
Assembly Member, 67th District



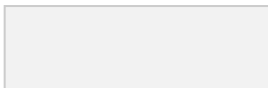
Jessica Ramos
Senator, 13th District



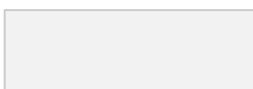
Nily Rozic
Assembly Member, 25th District



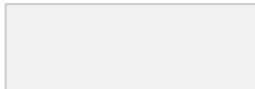
Julia Salazar
Senator, 18th District



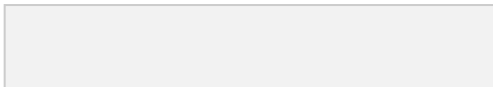
Rebecca Seawright
Assembly Member, 76th District



Toby Ann Stavisky
Senator, 11th District



Shrestha Sarahana
Assembly Member, 103rd District



Senator, 6th District



Kevin Thomas
Gina Sillitti
Assembly Member, 16th District

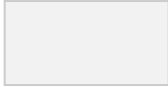


Jo Anne Simon

Assembly Member, 52nd District

Tony Simone

Assembly Member, 75th District



Michaelle Solages

Assembly Member, 22nd District

Phara Souffrant Forrest

Assembly Member, 57th District